

MINUTES OF BOARD MEETING

Thursday, September 15, 2016, 9:00 a.m. to 11:35 a.m.
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 9:00 a.m. on September 15, 2016, at Palm Desert, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members only)

Thomas Davis, Edward Muzik, Jayne Powell and Nancy Wright were present.

The Board Clerk stated that a quorum was present.

Ms. Wright introduced and welcomed the Regional Water Board members. She also introduced and welcomed Adriana Nuñez, who will serve as temporary Legal Counsel from Office of Chief Counsel upon Tom Vandenberg's retirement at the end of September 2016.

Regional Water Board Counsel: Tom Vandenberg, Adriana Nuñez

State Water Board Liaison: Frances Spivy-Weber

Regional Board Staff Present:

Jose Angel, Frank Gonzalez, Abdi Haile, Mary Serra, Mary Castaneda, Kai Dunn, Nadim Shukry-Zeywar, Hilda Vasquez, Doug Wylie, Jose Cortez, Francisco Costa, Maribel Jernegan, Abid Khalaf, Jeong-Hee Lim,.

Others Present:

Bruce Wilcox,
Ivory Reyburn, CVWD
Mike Herrera, CVWD
Olivia Bennett, CVWD
Kay Pricola, COLAB
Al Kalin, Farm Bureau
Steve Charlton, IID
Chris Elliott, USMC
Lindsey Dale, ICFB

MINUTES

1. a. Minutes of July 11, 2016 Board Meeting (Closed Session)

MOTION: Ed Muzik moved, Jayne Powell seconded, and the motion was carried to adopt Minutes.

- b. Minutes of June 30, 2016 Board Meeting

MOTION: Jayne Powell moved, Tom Davis seconded, and the motion was carried to adopt Minutes

- c. Minutes of March 28, 2016 SNMP Workshop

MOTION: Ed Muzik moved, Tom Davis seconded, and the motion was carried to adopt Minutes

PUBLIC FORUM

2. There were no public comments.

UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS AND WASTE DISCHARGE REQUIREMENTS

3. R7-2016-0028 Tentative Board Order R7-2016-0028, Waste Discharge Requirements for Big Bend Partnership, Owner/Operator, Big Bend Resort, Parker Dam, San Bernardino County
[Abid Khalaf]

Ms. Powell asked about the dimensions of the ponds. Mr. Wylie said each is about 1 acre in surface area. Mr. Angel stated the ponds in question are typically 8 feet deep. Ms. Powell questioned whether there were any provisions to check on the integrity of the pond clay liners, particularly when they are not in use. She also questioned how staff intended to ensure the ponds maintained "aerobic conditions." Mr. Angel recommended that the Monitoring and Reporting Program be amended to change Specification 11 to a Dissolved Oxygen effluent limitation of 1.0 mg/L, to include monitoring observations for the integrity and condition of the liner, observations whether ponds have wastewater, and monitoring of pond freeboard and dissolved oxygen. Ms. Powell suggested quarterly observations.

MOTION: Jayne Powell moved, Ed Muzik seconded, and the motion was carried unanimously to adopt Order R7-2016-0028 with noted changes.

4. R7-2016-0032 Tentative Board Order R7-2016-0032, Waste Discharge Requirements for United States Marine Corps, Owner/Operator, Mainside Wastewater Treatment Facility, Twentynine Palms, San Bernardino County
[Jose Cortez]

Ms. Powell asked whether the proposed Order reflects the operational changes the Discharger already made. Mr. Cortez said yes. She also asked about benefit of requiring the Discharger to conduct the Annual Industrial Waste Survey and Domestic Source

Control (Fat Oils and Grease Program) because there is no proposed influent sampling for Fat Oils and Grease. Mr. Cortez suggested that the Monitoring and Reporting Program be amended to request the Discharger submit the results of the Annual Pretreatment Survey. Mr. Angel echoed the recommendation.

MOTION: Ed Muzik moved, Jayne Powell seconded, and the motion was carried unanimously to adopt Order R7-2016-0032 with noted changes.

RESCISSION

5. R7-2016-0033 Tentative Board Order R7-2016-0033, Rescission of Waste Discharge Requirements for Palm Desert Country Club Recycled Water Reuse for Golf Courses, Riverside County
[Doug Wylie]

MOTION: Jayne Powell moved, Tom Davis seconded, and the motion was carried unanimously to adopt Order R7-2016-0033.

SPECIAL BOARD ORDER AMENDING WAIVER OF WASTE DISCHARGE REQUIREMENTS

6. R7-2016-0034 Special Board Order R7-2016-0034 Amending Board Order R7-2016-0008 Conditional Waiver of Waste Discharge Requirements for Agricultural Wastewater Discharges and Discharges of Wastes from Drain Operation and Maintenance Activities within the Imperial Valley, Imperial County
[Jose Angel]

Mr. Angel explained that the proposed Order provides clarification on the applicability of the Conditional Waiver. Ms. Lindsey Dale, Imperial County Farm Bureau Executive Director, thanked the Regional Water Board and its staff for working cooperatively with the Bureau regarding the matter.

MOTION: Ed Muzik moved, Jayne Powell seconded, and the motion was carried unanimously to adopt Order R7-2016-0034 with Errata.

ADMINISTRATIVE CIVIL LIABILITY ORDER

7. R7-2016-0022 Proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2016-0022 in the matter of Imperial Irrigation District, Grass Carp Hatchery, El Centro, Imperial County Exhibit A / Attachment B
[Maribel Jernegan]

Ms. Jernegan presented the staff report on behalf of the Prosecution Team and highlighted the terms of the proposed settlement, including provisions to suspend \$63,000 of the proposed liability in favor of implementing three Supplemental Environmental Projects (SEPs): (1) maintenance of the Brawley Wetlands, (2) outreach and education of the New River Wetlands Project, and (3) support implementation of the California-Mexico Border Relations Council's New River Improvement Project. She also pointed out to the Board that there was an errata for this Item, regarding SEP No. 3.

Mr. Steve Charlton, Imperial Irrigation District Program Manager, stated he supported the proposed Order.

Mr. Davis asked what members of the California-Mexico Border Relations Council would be doing [implementation] work regarding the New River Improvement Project. Mr. Angel stated that the reason for having the restriction in the proposed Settlement is to avoid the appearance and actual conflict of interest of a state agency [to issue fines to fund itself].

Ms. Powell asked when the Discharger would need to pay the fine. Mr. Angel stated within 30 days of the adoption of the Order. Mr. Angel also stated that the errata include a provision so the \$25,000 for the New River Improvement Project be payable to the "California Border Environmental and Public Health Protection Fund," and he recommended the Board adopt the proposed Order with the proposed changes.

MOTION: Jayne Powell moved, Tom Davis seconded, and the motion was carried unanimously to adopt Order R7-2016-0022 with Errata. A roll call of Board members was taken and all voted in favor of adopting this order.

OTHER BUSINESS

8. Informational Update: Sustained Superior Accomplishment Award for Region 7 Employee Jose Cortez, WRCE, P.E.

Mr. Angel introduced this item and reported to the Regional Water Board that Mr. Cortez was being recognized for his sustained superior job performance during the last two years. Mr. Angel added that Mr. Cortez consistently meets and exceeds his workload commitments and has handled some of the more complex permitting cases in the office, including the permit for the Hi Desert Water District. Chair Wright presented the Award and congratulated Mr. Cortez for his accomplishments.

9. Informational Update: Recycled Water Use in the Coachella Valley – Transition Enrollees in Regional Board Order 97-700 to State Board Order WQ 2016-0068-DDW
[Doug Wylie]

Doug Wylie presented information on the existing 26 facilities in the Coachella Valley (i.e. golf courses, parks, and schools) that are enrolled in the Regional Water Board's Order 97-700 General Waste Discharge Requirements for Discharge of Recycled Water for Golf Course and Landscape Irrigation. Coachella Valley Water District (CVWD) and Desert Water Agency produce and distribute the recycled water to the various facilities in their respective service areas. He also discussed the State Water Board's new Order WQ-2016-0068-DDW Water Reclamation Requirements for Recycled Water Use that will replace the Regional Water Board's Order 97-700 within three years. He reported that staff will be transitioning all Regional Water Board's Order enrollees into the State Water Board Order.

Regional Water Board members asked about monitoring conditions requirements in the State Water Board new Order. Mr. Angel stated that the Regional Water Board can impose additional monitoring requirements as needed. Mr. Davis asked about what the State is doing to help with the cost of producing recycling water. Mr. Angel stated that Proposition 84 and Proposition 1 have [competitive] funding for water recycling.

CVWD Nonpotable Water Operations Manager Olivia Bennett also answered questions regarding CVWD recycled water use. She stated that currently there are 14 and one-half golf courses, 4 HOAs, several high school athletic fields using recycling water. She stated that golf courses that have an agreement with CVWD can use up to 80% of recycled water and 20% from other water sources, including groundwater. Mr. Davis asked whether the peak irrigation water demand can be met with recycled water. Ms. Bennet stated recycled water alone cannot meet the demand. She added that in the long-term CVWD intends to serve 92 golf courses in its service area with recycled water.

10. Informational Update on Board Policy Priorities

- a. New River Improvement Project
- b. Salton Sea
- c. Coachella Valley Salt-Nutrient Management Plan
- d. Prohibition for Septic Systems in Yucca valley

[Jose L. Angel]

Mr. Angel reported that the Governor signed into law the Budget Trailer Bill, which appropriates \$1.4 million dollars for Phase 1 of the new River Improvement Project for the Calexico area. He also reported that last week Board Chair Wright, CalEPA Executive staff, and he attended a meeting with the staff from Homeland Security and General Services Administration in Calexico to coordinate Phase 1. Mr. Wright stated the meeting went very well and was very productive.

He stated the President and the Governor signed an Agreement to work jointly to address the Salton Sea. Mr. Angel added that staff continues to provide substantive support and regulatory guidance to the Natural Resources Agency for its Salton Sea Management Program.

Mr. Angel indicated that he had had a couple of meetings with CVWD, DWA, and Indio Water Authority and that the water districts were reluctant to amend their proposed SNMP. Accordingly, he directed staff to develop site-specific objectives for total dissolved solids, which would require a Basin Plan amendment so the Board can enforce the objectives.

Mr. Angel stated that he will be attending the next week's State Water Board meeting during which the State Water Board will be considering approving the amendment the Regional Water Board adopted in March for the Yucca Valley Septic Tank Discharge Prohibition. He also stated that the Hi Desert Water District has scheduled a Groundbreaking Ceremony for the Sewer Project next month.

11. Informational Update: State Water Resources Control Board Activities

[Tom Vandenberg]

Tom Vandenberg, Legal Counsel from Office of Chief Counsel stated he submitted his report in writing and was available for any questions.

12. Colorado River Basin Water Board Executive Officer's Report

[Jose L. Angel]

Mr. Angel stated that his report was submitted to the Board in writing, and was available to answer any questions about it. He stated that there will be several Public Workshops in the following months, including a workshop for the proposed General Order for Agricultural Runoff from Palo Verde. He added that his Report also continues to update the Board on Board's directives and informational requests.

13. Colorado River Basin Water Board Member Comments
Mr. Muzik reported the Groundbreaking Ceremony for the Sewer Project is October 20, 2016 and invited all Board Members to attend.

14. Colorado River Basin Water Board Chair's Report
[Nancy Wright]

Ms. Wright stated she and several other Board Members will be attending the Water Quality Coordinating Committee meeting in Sacramento.

Ms. Wright thanked Tom Vandenberg for his many years of service to the state and to the Board.

Ms. Wright mentioned that the Topock Tour is scheduled for March 2017. Mary Castaneda has sent the Board members an email with three tentative dates about the tour.

CLOSED SESSION

15. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

ADJOURNMENT OF BOARD MEETING

The meeting was adjourned at approximately 11:35 a.m.

NEXT BOARD MEETING: 9:00 a.m., November 17, 2016, Palm Desert, CA.